

Westchester
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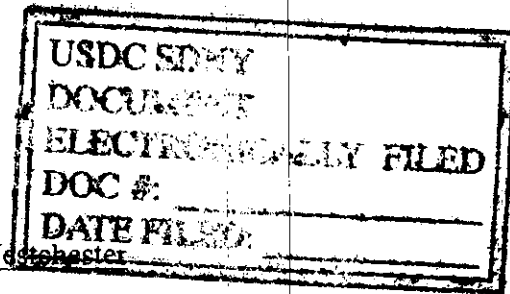
MEMO ENDORSED

Andrew J. Spano
County Executive

Office of the County Attorney
Charlene M. Indelicato
County Attorney

March 13, 2008

Via Facsimile (914)-390-4095
Honorable George A. Yanthis
United State Magistrate Judge
United States District Court
300 Quarropas St., Room 118
White Plains, NY 10601



Re: Mark Tornello v. County of Westchester
07 Civ. 6697 (CLB)(GAY)

Dear Judge Yanthis:

As you are aware this Office represents the County of Westchester in the above-referenced matter. On February 1, 2008, the parties presented oral arguments on the County's motion to dismiss pursuant to 12(b)(6) of the Federal Rules of Civil Procedure before Your Honor. On February 5, 2008, this matter was transferred to Your Honor for all purposes.

On October 12, 2007, the parties attended a conference before Judge Brient after which the attached case discovery plan and scheduling order was issued. At that conference, the County requested that all discovery be stayed until the Motion to Dismiss was decided. Judge Brient agreed to stay depositions pending the motion to dismiss, however he directed that written discovery proceed. The County hereby renews its request before Your Honor to stay all discovery pending the decision on its Motion to Dismiss. However, should Your Honor decline to stay all discovery, it is respectfully requested that depositions remain stayed pending the decision on the Motion to Dismiss.

Should Your Honor decline to stay discovery, the parties, on consent, respectfully request that the discovery deadline in this matter be extended from February 15, 2008 to May 30, 2008. This is the first request for an extension of the discovery deadline in this matter by the parties. An extension is necessary since the County just received Plaintiff's responses to the County's first request for Interrogatories on February 14, 2008, and medical authorizations were just recently received.

Wherefore, it is respectfully requested that all discovery be stayed until the motion to dismiss is decided, or, in the alternative, that the depositions remain stayed pending the decision on the motion. Should Your Honor not stay discovery, it is

*Depositions on by shall be stayed. Fact discovery usmt, 3/14/08
May 30, 2008. So ordered. Hon. A. Yanthis*